IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.19796 of 2005

Between:

K.Appa Rao and 7 others

..... PETITIONERS

AND

Sri Venugopala Swamy Temple,

Chirvanuppalapadu Village,

Naguluppalapadu Mandal,
Prakasam District, Rep by its Registrar

And another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in contemplating to hold a public auction to leasehold rights of the lands admeasuring Ac.38.70 cents in Sy.Nos.100 and 118 on 09.09.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

The learned counsel for the petitioner contended that without determining the issue whether petitioners are small farmers or not, the respondents are contemplating to conduct auction, and that on an earlier occasion, when the respondents proposed to hold auction, this Court granted stay not to finalise the auction, and therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Endowments opposed the same on the ground that the petitioners have no right to challenge the auction.

It seems that the petitioners have been cultivating the lands of the 1st respondent temple since several decades as tenants. The issue, whether petitioners are landless poor persons or small farmers, is to be decided by the 2nd respondent so that they will get certain benefits under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

In that view of the matter, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 2nd respondent, to determine and decide the issue whether the petitioners are small farmers or landless poor persons, within the meaning of Section 82 of the Act read with G.O.Ms.No.379, dated 11.03.2003, and pass appropriate orders, within a period of four weeks, from the date of receipt of a copy of this order. In the meanwhile, the proposed auction may go on, but the same shall not be finalized till a decision is taken by the 2nd

respondent.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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K.C. BHANU,J

Dated: 08.09.2005

Dsr

Note:

Issue wire at party's costs

B/o

Dsr